

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for a side street setback variance from 25 feet to 0 feet for an existing fence in the R-1 (Single-Family Dwelling District); (Steven McNamee, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Ian Sikonia **EXT.** 7398

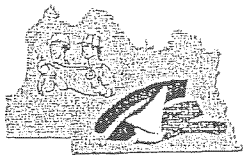
Agenda Date 3/27/06 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side street setback variance from 25 feet to 0 feet for an existing fence in the R-1 (Single-Family Dwelling District); or
2. **DENY** the request for a side street setback variance from 25 feet to 0 feet for an existing fence in the R-1 (Single-Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	APPLICANT: Steven McNamee LOCATION: 5200 Ohio Street ZONING: R-1 (Single-Family Dwelling District)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • A fence was constructed on the subject property that encroaches 25 feet into the 25 foot side street setback; the aforementioned rear yard setback variance is thereby requested. • A notice of violation from the Seminole County Building division was subsequently issued on 11/18/05 for the unpermitted construction of a fence. • The applicant submitted plans for the fence to the Building Division on 12/16/05. (05 00020918) • There is no record of prior variances having been granted for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • No special conditions or circumstances exist, which

	<p>are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:<ul style="list-style-type: none">• Any variance granted shall apply only to the existing fence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.



COPY APP. NO. BV 2006-018

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- VARIANCE** Side Street set back variance from 25' to 0' for
for an existing fence
- SPECIAL EXCEPTION**
- LIMITED USE**
- SE DWELLING UNDER CONSTRUCTION** **MEDICAL HARDSHIP**
- NIGHT WATCHMAN** **FAMILY HARDSHIP**
- YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)**
- SIZE OF MOBILE HOME / RV _____** **TIME NEEDED _____**
- PLAN TO BUILD** YES NO IF SO, WHEN _____
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>STEVEN S McNAMEE</u>	
ADDRESS	<u>5200 Ohio St</u>	
PHONE 1	<u>407-679-1391</u>	
PHONE 2		
E-MAIL		

PROJECT NAME: _____
 SITE ADDRESS: 5200 Ohio St
 CURRENT USE OF PROPERTY: Residential
 LEGAL DESCRIPTION: leg lot 13 + S 20 Ft of lot 14 B1K 31
Suburban Homes SEC 2
 SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-30-502-3100-0130
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS 05-669

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO 3, 27, 06

This request will be considered at the Board of Adjustment regular meeting on _____ (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT: [Signature] DATE: 1-20-06

ADDITIONAL VARIANCES

VARIANCE 2:

Side yard variance from 7.5' to 0'

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL _____

_____ APPELLANT SIGNATURE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 150.00 COMMISSION DISTRICT 1 FLU / ZONING LDR/R-1

BCC HEARING DATE _____ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS _____

PLANNING ADVISOR _____ DATE _____

SUFFICIENCY COMMENTS _____

PLAT OF SURVEY

LAND DESCRIPTION

LOT 13 AND THE SOUTH 20.00 FEET OF LOT 14, BLOCK "31", SUBURBAN HOMES SECTION 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 92, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ADDRESS: #5200 OHIO STREET

The undersigned, hereby accepts this survey, which shows encroachments as highlighted. We further understand that an exception will be made on our final owner's policy.

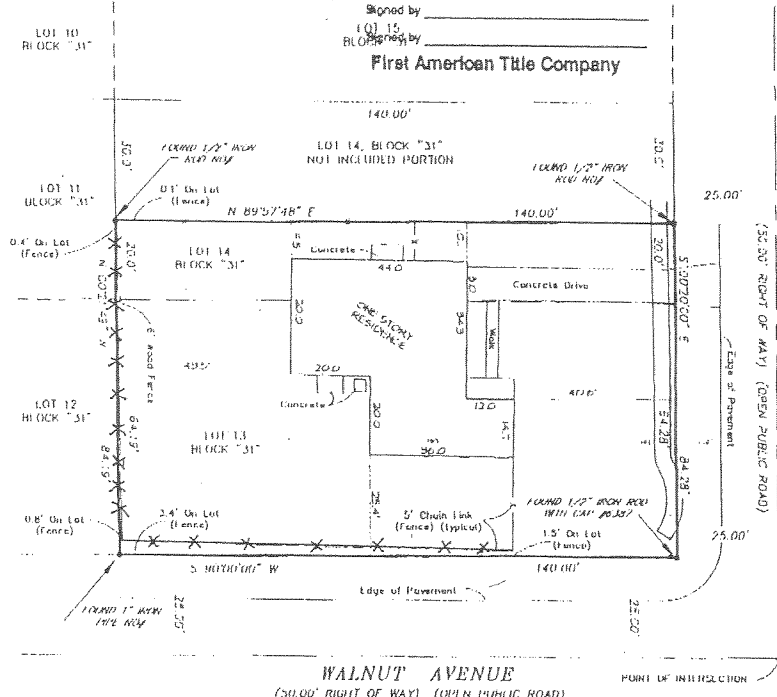
Dated _____

Signed by _____

() 15

Block 31

First American Title Company



WALNUT AVENUE
(50.00' RIGHT OF WAY) (OPEN PUBLIC ROAD)

OHIO STREET (25.00' RIGHT OF WAY) (OPEN PUBLIC ROAD)

SCALE: 1" = 30'

SURVEYORS NOTES:

- Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper this drawing, sketch, plot or map is for informational purposes only and is not valid.
- Encs shown herein were not constructed for easements or other rights-of-way of record.
- Underground portions of utilities, foundations, or other improvements were not located.
- Bearings are based on Walnut Avenue as being 5 40°00'00" W. (Assumed)
- I have reviewed the Flood Insurance Rate Map and determined that this property does not lie within the 100 year flood zone.
- Items that are not to be used to reconstruct property lines.
- Only Visible Encroachments Located.
- ENCE OWNERSHIP NOT DETERMINED.

This survey is Certified EXCLUSIVELY to and ONLY for the use of:

FIRST AMERICAN TITLE INSURANCE COMPANY
511 W. J. McNAMEE

I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 6107-6, Florida Administrative Code, pursuant to Section 412.01, Florida Statutes.

Michael E. Petulla

MICHAEL E. PETULLA,
PROFESSIONAL LAND SURVEYOR AND MAPPER,
FLORIDA REGISTRATION #49124 LB#6596

JOB NO: 98-

PROFESSIONAL LAND SURVEYING SERVICES, INC.

12880 SEMINOLE HIGHLANDS - SUITE 2
GAINESVILLE, FLORIDA 32607
(407) 686-0446 FAX: (407) 686-0600

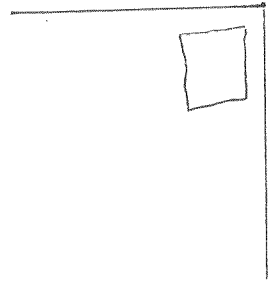
MICHAEL E. PETULLA,
PROFESSIONAL LAND SURVEYOR AND MAPPER



BOUNDARY SURVEY	RF#	5/20/98	252/14
REVISIONS	DRAWN	DATT	FB/PG
			CHIKD

N. SEMINOLE AVE

② ①



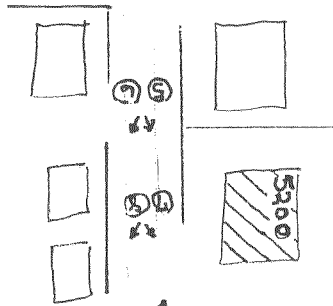
Walnut Ave

N. INDIANA AVE

④ ③



ESSEX DR.



⑥ ⑤



⑧ ⑦



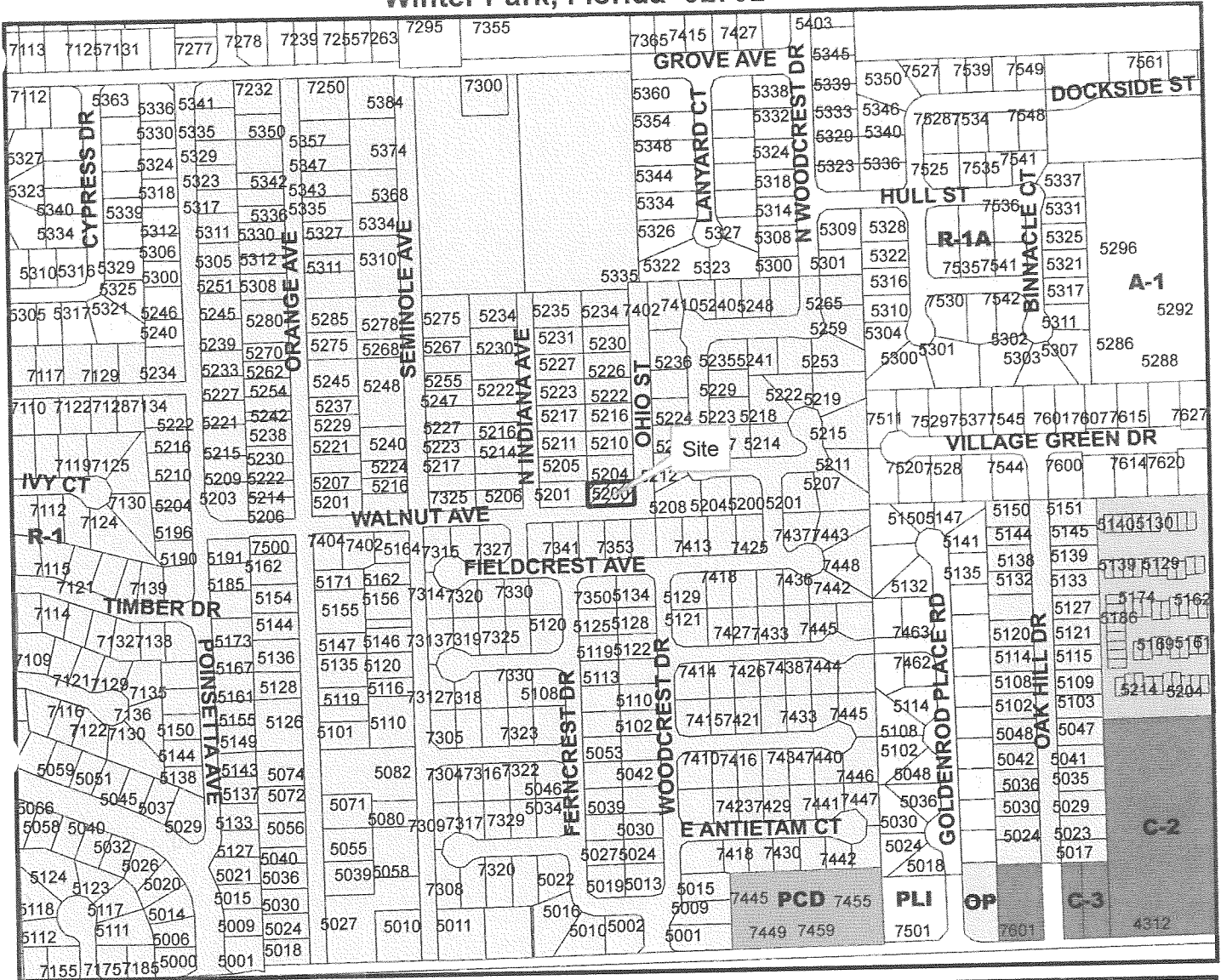
⑨

OHIO ST

↓ picture direction

crossing fences

Steven Mc Namee
5200 Ohio St. N.
Winter Park, Florida 32792



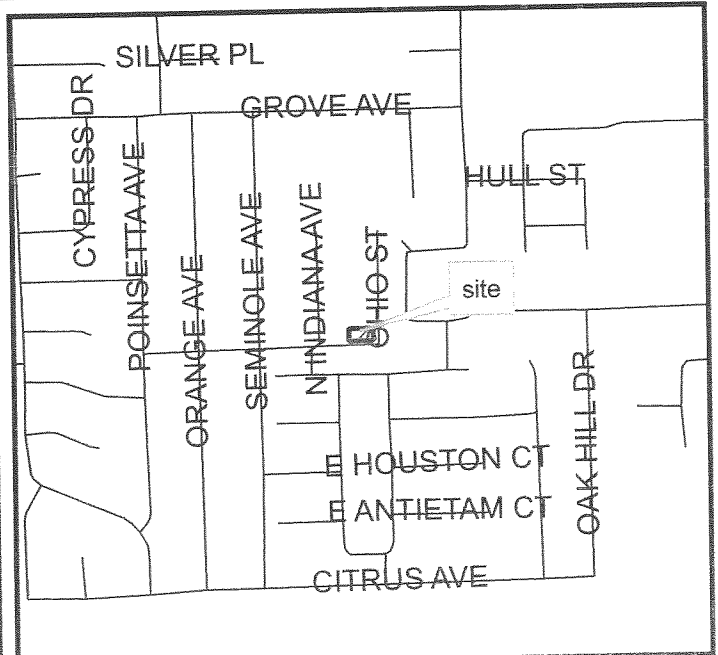
Seminole County Board of Adjustment
March 27, 2006
Case: BV2006-018
Parcel No: 35-21-30-502-3100-0130

Zoning

	BV2006-018		R-1		C-3
	A-1		R-3A		PCD
	R-1AA		OP		PLI
	R-1A		C-2		

N

0 80 160 320 480 640 Feet



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																
GENERAL Parcel Id: 35-21-30-502-3100-0130 Owner: MC NAMEE STEVEN J Mailing Address: 5200 OHIO ST City,State,ZipCode: WINTER PARK FL 32792 Property Address: 5200 OHIO ST N WINTER PARK 32792 Subdivision Name: SUBURBAN HOMES SEC 2 Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY		2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$106,476 Depreciated EXFT Value: \$1,163 Land Value (Market): \$23,100 Land Value Ag: \$0 Just/Market Value: \$130,739 Assessed Value (SOH): \$95,341 Exempt Value: \$25,000 Taxable Value: \$70,341 Tax Estimator																														
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>08/1998</td> <td>03486</td> <td>0965</td> <td>\$81,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1993</td> <td>02622</td> <td>1735</td> <td>\$69,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1973</td> <td>00978</td> <td>1213</td> <td>\$23,300</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	08/1998	03486	0965	\$81,000	Improved	Yes	WARRANTY DEED	07/1993	02622	1735	\$69,500	Improved	Yes	WARRANTY DEED	01/1973	00978	1213	\$23,300	Improved	Yes	2005 VALUE SUMMARY Tax Value(without SOH): \$1,749 2005 Tax Bill Amount: \$1,107 Save Our Homes (SOH) Savings: \$642 2005 Taxable Value: \$67,564 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
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NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 5200 OHIO ST

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF FIRST CHAPTER/ARTICLE 104 SECTION 1.1

DESCRIPTION OF VIOLATION: Build, INSTALLING
FENCE NO PERMIT

CORRECTIVE ACTION: OBTAIN PERMIT FROM
COUNTY

THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY 12-18-05

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



For further information contact:

**Building and Fire Inspection Division
Seminole County Services Building
1101 East First Street, Room 1020
Sanford, FL 32771**

PHONE: (407) 665-7338 OR (407) 665-7423

DATE: 12-8-05 **INSPECTOR:** William T. Fan

CASE NO: 05-669

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 13 + S 20 FT OF LOT 14 BLK 31 SUBURBAN HOMES SEC 2 PB 5 PG 92

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Steven McNamee
5200 Ohio St.
Winter Park, FL 32792

Project Name: Ohio Street (5200)

Requested Development Approval:

Request for a side street setback variance from 25 feet to 0 feet for an existing fence in the R-1 (Single-Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Ian Sikonia, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the existing fence as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Tony Walter
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: